IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 14645 of 2001**

Between:

Sunkara Satyanarayana S/o.Seshaiah
R/o.Pedavadlapudi Post , Mangalagiri Mandal Guntur Dist.

**..... PETITIONER**

AND

1 The Joint Collector/Authorised Officer for Conducting Sand Auction. Visakhapatnam.
2 The Dist.Panchayat Officer, Visakhapatnam.
3 The Revenue Divisional Officer, Visakhapatnam.
**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction writ of Mandamus declaring the inaction of the respondents in not handling over the sand area forming part of Tegada Village , Kasimkoata Mandal, Visakhapatnam district and not demarcating boundaries and not initiating any steps to remove the obstruction caused by the villagers for proper exploitation of the lease hold rights is arbitrary , illegal violative of the fundamental rights under Article 14 and 300-A of the Constitution of India and issue a consequential direction to the respondents to refund the bid amount including the security deposit pursuant to the auction held on 10-4-2000 for Tegada sand quarry and pass such other order or order.

**Counsel for the Petitioner: C.V. Mohan Reddy, Advocate**

**Counsel for Respondents 1 to 3: G.P. for Panchayat Raj & Rural Developemnt, represent the Advocate General.**

**The Court made the following :**

**ORDER:**

The petitioner was granted lease in respect of sand quarry reach in Tegoda village, Visakhapatnam District by proceedings dated 22-4-2000 of the Revenue Divisional Officer, Visakhapatnam. It appears that on the basis of the same, lease agreement was also executed on 27-4-2000 and the petitioner deposited a total sum of Rs.17,27,000/-, including the lease amount of Rs.15,70,000/-. Thereafter the present writ petition was filed on 16-07-2001 alleging that the reach was not handed over to him and no work permits were issued to quarry the sand and consequently the contract was frustrated and therefore he is entitled for refund of the amounts paid by him. However, during the pendency of the writ petition the petitioner made a representation dated 10-12-2002 before the Commissioner of Panchayat Raj and Rural Employment, Hyderabad, on the basis of which by Memo No.20613/CPR & RE/D4/2002, dated 13-12-2002 the Chief Executive Officer, Visakhapatnam Zilla Parihat and the District Panchayat Officer, Visakhapatnam were instructed to take immediate action as under:

1. *The facts be placed before the District Committee and cause cancellation the reach of Tegoda village leased out to Sri Sunkara Satyanarayana and also to cancel the lease deed dated, 22-4-2000.*
2. *The District Level Committee to order refund of Rs. 15,70,000/- paid towards lease along with security deposit of Rs. 31,400/- to the lessee.*
3. *The above amounts shall be paid from the General Funds of Z.P. Visakhapatnam in the first instance and the (respective) proportionate amounts adjusted to the Mandal Parishads and Gram Panchayats concerned shall be deducted from the future releases/allocations to recoup the General Funds.*

In the circumstances the learned counsel for the petitioner submits that no further adjudication is necessary on merits, but the respondents may be directed to implement the proceedings dated 13-12-2002.

In view of the submissions made by the learned counsel for the

petitioner and having heard the learned Special Government Pleader representing the learned Advocate General appearing for the respondents, without expressing any opinion on merits, the writ petition is disposed of with a direction to the respondents to take necessary further steps in terms of the memo dated 13-12-2002 issued by the Commissioner, Panchayat Raj and Rural Employment, Hyderabad as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Dated: 20th January, 2005

BJ/

To

1. The Joint Collector/Authorised Officer for Conducting Sand Auction, Visakhapatnam.
2 The Dist.Panchayat Officer, Visakhapatnam.
3 The Revenue Divisional Officer, Visakhapatnam.
4. Two CCs. to G.P. for Panchayat Raj & Rural Dev., High Court Bldgs. (O.U.T)
5. Two C.D. Copies.